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**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH**  
**CENTRAL DIVISION**

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**THOMAS H. PETERSON,**

Plaintiff,

v.

**H. RON BROWN, et al.,**

Defendants.

**ORDER ADOPTING & AFFIRMING  
REPORT & RECOMMENDATION**

**Case No. 2:06cv511DAK**

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This case was assigned to United States District Court Judge Dale A. Kimball, who then referred it to United States Magistrate Judge Paul Warner under 28 U.S.C. § 636(b)(1)(B). On October 10, 2007, Magistrate Judge Warner issued a Report and Recommendation concluding that Plaintiff's Complaint should be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and Rule 12 of the Federal Rules of Civil Procedure because it fails to demonstrate subject matter jurisdiction.

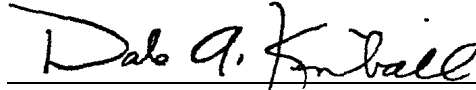
The Report and Recommendation notified the parties that any objection to the Report and Recommendation was required to be filed within ten days of receiving it. Plaintiff has not filed an objection, and the time for filing an objection has passed.

The court has reviewed the case *de novo* and concludes that Plaintiff's Complaint should be dismissed. The court agrees with the Report and Recommendation in its entirety and hereby

adopts it as the order of the court. Accordingly, Plaintiff's Complaint is dismissed.

DATED this 2d day of November, 2007.

BY THE COURT:

A handwritten signature in black ink, reading "Dale A. Kimball", written over a horizontal line.

DALE A. KIMBALL

United States District Judge